THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 16805 of 1993

Date:23-09-2005

Between:

The Depot Manager,
APSRTC, Cuddapah.

..... PETITIONER

AND

1 The Chairman-cum-Presiding Officer,
Industrial tribunal-cum-Labour Court, Anantapur and another.

.....RESPONDENTS

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

W.P.No.16805 of 1993

ORDER:

The Andhra Pradesh State Road Transport Corporation represented by the Depot Manager, Kadapa, filed this writ petition questioning the legality of the award of the first respondent in I.D.No.137 of 1992, dated 21-04-1993 and seeking to quash the same as arbitrary and illegal.

The second respondent worked as a Conductor. There was an allegation that he unauthorizedly absented for a period of 6 days and failed to remit the cash collected during the trip as directed by the concerned authorities leading to temporary misappropriation, therefore, the disciplinary authority after conducting an enquiry, imposed the punishment of reducing the basic pay by three incremental stages for a period of 2 years with cumulative effect and treating the period of suspension as not on duty for calculation of leave and wages to him. The second respondent represented by the Union sought for a reference and accordingly, a reference was made to the first respondent in I.D.No.137 of 1992. The first respondent, after confirming the order of the disciplinary authority finding the second respondent guilty of the charges, modified the punishment to the following effect:

> "The suspension period has to be treated as on duty by crediting the same to the leave account of the workman/petitioner. The reduction of basic pay by 3 incremental stages for a period of 2 years with cumulative effect has to be treated as 'without cumulative effect' by 30.4.1993 prospectively to enable the workman to claim wages from 1.5.1993".

The petitioner, being aggrieved by the award dated 21-04-1993 of the first respondent, preferred this writ petition seeking the above relief. The first respondent did not disturb the order of the disciplinary authority finding the second respondent guilty of the charges. The only modification that was made by the first respondent was regarding the punishment by observing that the punishment imposed by the disciplinary is disproportionate to the gravity of misconduct.

After going through the material available on record and the impugned order, I am convinced that the first respondent exercised the discretion judiciously and I do not find any illegality or arbitrariness in the order of modification of punishment. There are no grounds to interfere with the impugned order.

The writ petition is accordingly dismissed. No order as to costs.

_____

(Dr.G.YETHIRAJULU, J)

Dated 23rd September, 2005.

YCR